

--Manhole Insert For Manufacture Of A Cast Member And To Provide A Step Insert Having Increased Structural And Holding Strength--

### **REMARKS**

Claims 1-44 are currently pending in this application. The Examiner has required restriction of this application and has grouped the claims as follows: Group I (i.e., claims 1-20), Group II (i.e., claims 28, 29 and 37-40), and Group III (i.e., claims 21-27, 30-36 and 41-44). Applicants respectfully provisionally elect with traverse the claims of Group III (i.e., claims 21-27, 30-36 and 41-44) for examination.

The MPEP sets forth that “[i]f the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions.” MPEP § 803. Applicants respectfully submit that the claims of Group II (which are directed to a method for producing a cast member for receiving an insert) should be examined together with the claims of Group III (which are directed to an insert or an insert assembly) since a search for the subject matter of the claims of Group II must be made in order to perform a thorough search of the prior art for the subject matter of the claims of Group III. Accordingly, Applicants respectfully submit that the search and examination of the subject matter of the claims of Groups II and

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**Application No.:** 09/395,106

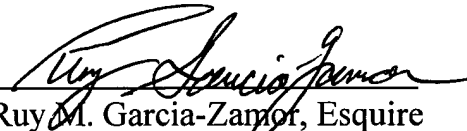
III does not increase the burden on the Examiner relative to only searching and examining the subject matter of the claims of Group III. Applicants respectfully request that the Examiner reconsider this restriction requirement and together examine the claims of Group II and Group III.

If the Examiner believes that any formal matters for this application need to be addressed, the Examiner is respectfully invited to contact the undersigned, by telephone, at the Examiner's convenience.

Prompt examination on the merits of the claims of Group II and Group III is respectfully solicited.

Respectfully submitted,

Westhoff et al.

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Examiner: M. Poe



**37 CFR §1.121(b)(1)(iii) SPECIFICATION  
AMENDMENTS- MARKED UP VERSION**

The title was amended as follows:

MANHOLE [STEP] INSERT FOR [PREVENTING SEEPAGE DURING]  
MANUFACTURE OF A CAST MEMBER AND TO PROVIDE A STEP INSERT  
HAVING INCREASED STRUCTURAL AND HOLDING STRENGTH

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